

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:  
Albornoz et al.

Serial No.: 10/757,793

Confirmation No.: 5432

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Filed: January 15, 2004

Group Art Unit: 2167

Examiner: Michael Pham

For: DEALING WITH ANNOTATION VERSIONING THROUGH MULTIPLE  
VERSIONING POLICIES AND MANAGEMENT THEREOF

MAIL STOP APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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September 6, 2007  
Date

/Randol W. Read, Reg. No. 43,876/  
Randol W. Read

Dear Sir:

**APPEAL BRIEF**

Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2167 dated April 19, 2007, finally rejecting claims 9-13 and 25-29. The final rejection of claims 9-13 and 25-29 are appealed. This Appeal Brief is believed to be timely since it is transmitted by the due date of September 18, 2007, as set by the filing of a Notice of Appeal on July 18, 2007.

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### **Real Party in Interest**

The present application has been assigned to International Business Machines Corporation, Armonk, New York.

### **Related Appeals and Interferences**

Applicant asserts that no other appeals or interferences are known to the Applicant, the Applicant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **Status of Claims**

Claims 9-13 and 25-29 are pending in the application. Claims 1-29 were originally presented in the application. Claims 1-8 and 14-24 have been canceled without prejudice. Claims 9-13 and 25-29 stand finally rejected as discussed below. The final rejections of claims 9-13 and 25-29 are appealed. The pending claims are shown in the attached Claims Appendix.

### **Status of Amendments**

All claim amendments have been entered by the Examiner, including amendments to the claims proposed after the final rejection.

### **Summary of Claimed Subject Matter**

#### **A. CLAIM 9 – INDEPENDENT**

One embodiment of the invention provides a method for managing annotations for multiple versions of documents (*see* paragraph 21, lines 1-5). The method generally includes selecting one or more annotation versioning policies dictating how annotations made for a current version of a document should be applied to a subsequent version of the document (*see* paragraph 21, lines 3-5) and allowing creators of annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how the annotations should be applied to subsequent versions of the document (*see* paragraph 21, lines 5-7).

#### **B. CLAIM 25 - INDEPENDENT**

One embodiment of the invention provides a method for managing annotations for multiple versions of documents (*see* paragraph 21). The method generally includes defining a set of available annotation policies, each policy dictating how an annotation created for one version of a document should be applied to one or more subsequent versions of the document (*see* paragraphs 45-50), and providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotation (*see* paragraphs 50-51).

### **Grounds of Rejection to be Reviewed on Appeal**

1. Rejection of claims 9-13 and 25-29 under 35 U.S.C. 102(e) as being anticipated by *Gupta et al.* (U.S. Patent No. 7,051,275, hereinafter, "*Gupta*").



## ARGUMENTS

### **1. Rejection of claims 9-13 and 25-29 under 35 U.S.C. 102(e) as being anticipated by Gupta.**

#### *The Applicable Law*

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

#### *The Reference*

*Gupta* describes an annotation server maintaining annotations corresponding to multimedia content, each such annotation corresponding to each of the different versions (where versions may include the same underlying content in different resolutions or bandwidth requirements) of the multimedia content (*See Gupta*, Title, Abstract).

*Gupta* states these multiple versions,

"may include different versions of the same underlying multimedia content. These different versions can have, for example, different resolutions, different bandwidth requirements, different presentation lengths, etc. Due to limitations of the user's computer system, or communication bandwidth limitations, different users may choose (or be required to choose) particular versions of the multimedia content, or users may switch between the different versions." Col. 2, lines 14-22.

*Gupta* specifically states that,

"each of the annotations maintained by the annotation server corresponds to all of the different versions of the multimedia content. Thus, the annotations are available to users being presented with any of the

versions of the multimedia content, even though only one copy of the annotation is maintained by the annotation server. Col. 2, lines 53-59.

### *The Examiner's Argument*

With respect to claim 9, the Examiner cites *Gupta* Col. 9, lines 63-67, which reads:

"a user can specify that annotations which are particularly old, e.g., created more than two weeks earlier, are not to be displayed,"

claiming it teaches that an annotation versioning policy may be selected that dictates how annotations are applied to subsequent versions of a document. However, *Gupta* is merely teaching that a user may filter out outdated annotations being displayed in the version of the document they are viewing.

Further, the Examiner cites *Gupta* Col. 13, lines 34-36, which reads:

"allowing the creator of the set to identify which users are able to read and/or write to the annotation set."

claiming it teaches that a creator of an annotation in a document may select a versioning policy that dictates how the annotation should be applied in subsequent versions as recited in claim 9. However, in this passage *Gupta* is not teaching that a creator of an annotation may select a versioning policy dictating how the annotation is applied to subsequent versions, but is instead teaching that a user may create an annotation set and may dictate (as a system administrator does) which users may read or write annotations to that set. This does not address subsequent versions of a document as *Gupta* at no point teaches subsequent versions of a document.

With respect to claim 25, the Examiner cites *Gupta* Col. 12, lines 5-6, FIG. 1, and FIG. 7, which reads:

"An annotation can be created by a user of any of the client computers 15 of FIG. 1. FIG. 7 illustrates an annotation toolbar in accordance with the invention. Annotation toolbar 240 includes various identifying information and user selectable options 242-254."

claiming it teaches that a creator may define a set of available annotation policies that dictate how an annotation created for one version of a document should be applied to subsequent versions. Though *Gupta* teaches that an annotation may be created and a

creator may assign a host of useful identifying information to the annotation, he does not teach that the creator may define a versioning policy that dictates how the annotation is to be applied to subsequent versions.

Further, the Examiner cites *Gupta* Col. 13, lines 25-30, which reads:

"Annotation set identifier 272 allows the user to identify a named set to which the new annotations will belong. This set can be a previously defined set, or a new set being created by the user. Selection of the particular set can be made from a drop-down menu activated by selection of a button 273, or alternatively can be directly input by the user."

claiming that it teaches that there is an interface through which a user may select one or more versioning policies to be applied. However, *Gupta* does not teach selectively applying versioning policies. In fact, as mentioned above, *Gupta*'s concept of versions is vastly different than that which is recited in this patent application. In this passage, *Gupta* teaches that the creator of a new annotation may choose to group the annotation with other groups of annotations through the use of a GUI. At no point does he mention versioning policies or selectively applying said policies.

#### *Applicants' Response to the Examiner's Argument*

In this case, *Gupta* does not disclose "each and every element as set forth in claim 9." For example *Gupta* does not disclose "*allowing creators of annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how the annotations should be applied to subsequent versions of the document*" as recited.

*Gupta* does not mention a policy or policies "dictating how annotations made for a current version of a document should be applied to a *subsequent version* of the document." In fact, at no point does *Gupta* mention subsequent version of a document. *Gupta* teaches multiple versions of a document where the multiple versions

"may include different versions of the same underlying multimedia content. These different versions can have, for example, different resolutions, different bandwidth requirements, different presentation lengths, etc. Due to limitations of the user's computer system, or communication bandwidth limitations, different users may choose (or be required to choose) particular versions of the multimedia content, or users may switch between the different versions." Col. 2, lines 14-22

In contrast, the present application claims are directed to annotations applied to "subsequent versions" of a document. As described in paragraph 22 of the application:

"The term version, when applied to a document, merely refers to the content of the document at a corresponding time and does not imply that multiple versions of a document necessarily exist at any time. In other words, a subsequent version of a document may exist without of previous version still existing. Further, there is no implication that different versions of a document will have a common file name with version appended (e.g., v2, v3, etc.). Accordingly, a document modified and saved with an entirely different name may still constitute a different version of the document."

Further, paragraph 48 of the patent application states,

"In some cases, however, an originally annotated portion may not be readily identified in a subsequent version, due to the magnitude of changes or deletion."

This states that policies chosen by a creator may be applied to documents with significant changes including instances where the name of the document may be changed. *Gupta* does not even remotely imply such teachings.

Therefore, *Gupta's* managing of annotations between multiple versions of the same underlying media content (i.e., that differ only in resolution, bandwidth requirements, or presentation lengths) is not the same as managing annotations between subsequent versions of a document that may have significant changes or deletions as recited.

The present invention claims a technique for determining which, of a set of annotation policies, should be applied to control how an annotation, made for one version of a document, should be applied to subsequent versions of that document. Examples of the types of policies covered, for example, by claim 9 can be found in paragraph 0005:

"One approach is to apply a "no-change" policy on the document, whereby annotations are maintained for the original document only and do not apply to subsequent versions. While this approach is simple, there may be many cases where at least some annotations would apply to a subsequent version of a document, such as when the particular portion described by the annotation has not changed. Therefore, another approach would be to "carry-forward" annotations to subsequent versions

of a document. However, in some cases, some of the annotations may no longer apply, such as when an annotated portion of the document is edited to render the annotation invalid or deleted entirely. Further, even if the annotation does apply to the new version, annotation indexes indicating the corresponding annotated portions of the document may need to be updated to reflect the changes in the document."

*Gupta* teaches no such annotation versioning policies at all, much less putting the control over selecting the annotation versioning policies specifically in the hands of the creator of the annotation, as recited in claim 9. The examiner cites *Gupta* Col. 9 lines 63-67:

a user can specify that annotations which are particularly old, e.g., created more than two weeks earlier, are not to be displayed,

This cited section merely teaches the filtering of old annotations. However, in *Gupta*, this ability to not display old annotations is not reserved for the creator but permitted by another user. In contrast, claim 9 allows

"creators of annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how the annotations should be applied to subsequent versions of the document."

Therefore, it is apparent that *Gupta* does not teach a creator selecting an annotation policy for subsequent versions of a document, as in claim 9, but rather teaches a user, which may or may not be the creator, selecting a single annotation rule to be applied to one of a plurality of parallel versions.

The examiner goes on to cite, *Gupta* Col. 13 lines 34-36:

allowing the creator of the set to identify which users are able to read and/or write to the annotation set,

stating that it teaches "allowing the creator of the set to identify which users are able to read and/or write to the annotation set." The control mentioned in *Gupta* is similar to an administrative right, dependent on the user while independent of the version number. In contrast, the selection of an annotation versioning policy as recited in claim 9, allows the creator to dictate how annotations (created for one version of a document) are applied to subsequent versions of the document, dependent on the version number and independent of the user. In fact, *Gupta* discloses that users may not specify how an

annotation created for one version of a document should be applied to subsequent versions of the document. In Column 7, line 22-26 *Gupta* states:

Thus regardless of the number of different versions of particular multimedia content available to media server 11, each annotation created by annotation server 10, is maintained as a single copy corresponding to all of these different versions.

Thus, the creator of an annotation is not given any choice of how an annotation created for one document should be applied to subsequent versions, as recited in the claims.

Accordingly, Applicants submit claim 9 and its dependents are allowable and withdrawal of this rejection is respectfully requested.

Claim 25 also contains limitations that are not taught by *Gupta*. For example, *Gupta* fails to teach "defining a set of available annotation policies, each dictating how an annotation created for one version of a document should be applied to one or more subsequent versions of the document" and "providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotation" as recited. As described above, *Gupta* does not teach the use of any such type of annotation versioning policies.

Therefore, Applicants submit claim 25 and its dependents are allowable and withdrawal of this rejection is respectfully requested.

## CONCLUSION

The Examiner errs in finding that claims 9-13 and 25-29 are anticipated by *Gupta* under 35 U.S.C. § 102(e).

Withdrawal of the rejection and allowance of all claims is respectfully requested.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

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## CLAIMS APPENDIX

1-8. (Cancelled)

9. (Original) A method for managing annotations for multiple versions of documents, comprising:

selecting one or more annotation versioning policies dictating how annotations made for a current version of a document should be applied to a subsequent version of the document; and

allowing creators of annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how the annotations should be applied to subsequent versions of the document.

10. (Original) The method of claim 9, wherein at least one of the annotation versioning policies dictates that annotations made for a current version will not be applied to subsequent versions of the document.

11. (Original) The method of claim 9, wherein the one or more annotation versioning policies selected are applied at the document level, to all annotations created for a document.

12. (Original) The method of claim 9, wherein at least one of the annotation versioning policies dictates that an annotation created for a current version of a document will be applied to subsequent versions of the document.

13. (Original) The method of claim 9, wherein at least one of the annotation versioning policies dictates that an authorized user must validate an annotation created for a current version of a document before the annotation is applied to subsequent versions of the document.

14-24. (Cancelled)

25. (Original) A method for managing annotations for multiple versions of documents, comprising:



defining a set of available annotation policies, each dictating how an annotation created for one version of a document should be applied to one or more subsequent versions of the document; and

providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotation.

26. (Original) The method of claim 25, wherein defining a set of available annotation policies comprises associating one or more annotation policies for use with annotations made for a certain type of document.

27. (Original) The method of claim 25, wherein the annotation policies provided to the user in the interface is determined, at least in part, on a credential of the user.

28. (Original) The method of claim 27, wherein the annotation policies provided to the user in the interface is determined, at least in part, on a type of document associated with the annotation.

29. (Original) The method of claim 25, wherein defining a set of available annotation policies comprises defining the set of available annotation policies by an administrator, wherein the administrator and the user are different entities.

## EVIDENCE APPENDIX

None.

## **RELATED PROCEEDINGS APPENDIX**

None.